

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

VICTOR VOE,

Plaintiff,

– against –

JOHN DOES 1–9,

Defendants.

Case No. 2:20-cv-05737-RER-AYS

**NOTICE OF MOTION
TO DISMISS**

PLEASE TAKE NOTICE that, upon the Declaration Stephen P. Farrelly in Support of Defendants’ Motion to Dismiss, and the exhibit annexed thereto; the Declaration of Wayne Yamamoto dated September 18, 2024, the Declaration of Dylan Yamamoto dated September 18, 2024, and the Memorandum of Law in support of Defendants’ Motion to Dismiss, the Defendants Wayne Yamamoto and Dylan Yamamoto, by their attorneys, Ellis George LLP, will move this Court before the Honorable Ramon E. Reyes, Jr., U.S.D.J., in Room 2E North at the United States Court located at 225 Cadman Plaza East, Brooklyn, New York 11201, at a date and time selected by the Court, for an Order pursuant to Fed. R. Civ. P. Rules 7 and 12(b)(2) and (6), to dismiss the Plaintiff’s First Amended Complaint (the “FAC” [ECF No. 17]), and to grant such other, further, and different relief as the Court deems just and proper; on the grounds that (1) all claims asserted in the FAC are barred by the applicable statutes of limitations because the allegations in the FAC do not relate back under applicable law; (2) even if all claims were not time barred, the Court lacks personal jurisdiction over the Yamamotos, who reside in Hawai‘i and have no contacts with New York, and (3) the claims for intentional infliction of emotional distress (“IIED”) and fraud fail to state a claim under the doctrine of group pleading and because the fraud claim is not pleaded with particularity.

Dated: New York, New York
September 20, 2024

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-and-

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